

December 6, 2006

Planning Board Members: Stanley J. Keysa, Chairman
Rebecca Anderson
John P. Gober
Lawrence Korzeniewski
Michael Myszka
Steven Socha
Melvin Szymanski

Town Board Members: Robert H. Giza
Daniel Amatura
Mark A. Montour
Ronald Ruffino, Sr.
Donna G. Stempniak

Engineering Consultant: Robert Harris, Wm. Schutt & Associates

Deputy Town Attorney: John M. Dudziak

Highway Superintendent: Richard L. Reese, Jr.

Building & Zoning Inspector: Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held December 6, 2006. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Stanley J. Keysa
Planning Board Chairman

SJK:mn
Encl.

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the sixth day of December 2006, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman
Rebecca Anderson, Member
John Gober, Member
Lawrence Korzeniewski, Member
Michael Myszka, Member
Melvin Szymanski, Member

EXCUSED: Steven Socha, Member

ABSENT: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Jeffrey Simme, Building & Zoning Inspector
Robert Harris, Engineering Consultant - Wm. Schutt & Associates
John Dudziak, Deputy Town Attorney
Mary Nowak, Recording Secretary

Meeting called to order by Chair Keysa at 7:35 PM.

PLEDGE OF ALLEGIANCE

Motion was made by Lawrence Korzeniewski to approve the minutes from the November 15, 2006 Planning Board Meeting. Motion was seconded by Michael Myszka and unanimously carried.

Administrative - Planning Board Meeting Schedule for 2007 - Chair Keysa asked the Planning Board members to look over the proposed dates set for the 2007 Planning Board Meeting Schedule. Following a brief discussion, the Planning Board members decided to eliminate the April 4, 2007 meeting due to the unavailability of several board members during the Easter break. There will be only one Planning Board meeting during the month of April. A motion was made by Michael Myszka to accept the 2007 Planning Board Meeting Schedule with the above-mentioned change. Motion was seconded by Melvin Szymanski and unanimously carried

COMMUNICATIONS -

ACTION ITEMS -

PRELIMINARY PLAT PLAN REVIEW -WAINWRIGHT COURT SUBDIVISION, 13 SINGLE-FAMILY HOMES. SOUTH OF WEHRLE DRIVE. PROJECT NO. 6009. CONTACT PERSON: KENNETH ZOLLITSCH, GREENMAN-PEDERSEN, INC.

This project was tabled at the November 15, 2006 Planning Board meeting with five conditions.

Kenneth Zollitsch, Greenman-Pedersen, Inc. presented to the Planning Board the preliminary plat plan for the 13 single-family home subdivision on the 5-plus- acre parcel on the north side of Wainwright Court behind the Regal Cinemas. The plan shows the existing road extended and ending in a cul-de-sac. The plan also shows two dry ponds: one at the north end of the development and the other dry pond at the south end. Mr. Zollitsch explained that these dry ponds will be for stormwater storage that will eventually drain into the large existing pond behind Regal Cinemas.

Drainage - Mr. Zollitsch stated that although he does not have a copy of the agreement between the owner of this parcel and the owner of Regal Cinemas regarding use of the large pond for discharge of water from this parcel, he does have a verbal agreement. The Planning Board requested a copy of the agreement.

Wetlands - Mr. Zollitsch told the Planning Board that as of today, the approval of the wetlands delineation for this parcel has not been received, but is expected from the Army Corp of Engineers. Chair Keysa stated that approval of the wetlands delineation from the Army Corp of Engineers will be a necessary.

Waterline - At the November 15, 2006 Planning Board meeting, Mr. Zollitsch had stated that a waterline easement to North Maple Drive will not be necessary for water pressure, since the improvements to Transit Road will increase the existing water pressure. Erie County Water Authority has since indicated that without a public road, they will not be looping the waterline. A 25-foot easement to North Maple Drive will be provided for future use.

Dry ponds - Mr. Zollitsch told the Planning Board that the two dry ponds shown on the plan would be privately owned but maintained by the Town. Councilmember Donna Stempniak stated ownership of the dry ponds by the homeowners can result in problems in the future. Mr. Zollitsch said that he cannot guarantee Town ownership of the dry ponds due to the depth of the lots involved. He will need to contact the applicant.

Electric Lines - Currently the electric lines run across this parcel. Mr. Zollitsch stated that due to the cost of removing the existing poles, he could not guarantee that the utilities will be underground. Chair Keysa told Mr. Zollitsch that he will need to check the 1973 NYS regulations (Office of the Secretary of NY State) regarding utilities in new subdivisions.

Chair Keysa referred to Com. 12-6-02 from Town Highway Superintendent Richard Reese asking that the large poplar trees near lot #6 be removed.

DETERMINATION

At the request of the applicant, this project is tabled to the next Planning Board Meeting on December 20 2006 for resolution of the following issues: 1.) Applicant to provide Planning Board with a copy of the agreement between the owner of this parcel and the owner of Regal Cinemas regarding use of the large pond for discharge of water from this parcel. 2.) Applicant to provide Planning Board with Army Corp of Engineer's acceptance of wetlands delineation. 3.) Plan to show waterline right-of-way from cul-de-sac to North Maple Drive. Applicant to work this out with Town Engineer Robert Harris. 4.) Ownership and maintenance of dry ponds to be determined. Town prefers ownership of dry ponds. 5.) Clarification regarding electric lines. Town's preference is for electric lines to be underground. 6.) Large poplar trees near lot #6 to be removed. Motion to table was made by Melvin Szymanski, seconded by John Gober and unanimously carried.

SKETCH PLAN REVIEW - ROSELAND SUBDIVISION, PHASE 2 - 55 SINGLE-FAMILY LOTS, WEST OF STEINFELDT ROAD, AND SOUTH OF ERIE STREET. CONTINUATION OF ST. ANTHONY DRIVE AND ROSE STREET. PROJECT NO. 2402. CONTACT PERSON: SALVATORE BELESTERI

This project was tabled at the November 15, 2006 Planning Board meeting with six conditions.

Salvatore Belesteri, owner, Wes Stone, engineer, and Warren Nowak, N&W Construction presented to the Planning Board the sketch plan for the 55 single-family home subdivision located west of Steinfeldt Road and south of Erie Street. This subdivision will be a continuation of St. Anthony Drive and Rose Street. The site plan for this entire project was filed with Erie County in 1991. Phase 1 is near completion and the developer is ready to start Phase 2.

Wetlands & Floodplains - Applicant's engineer has not plotted the correct FEMA floodplain on the 2001 Erie County topography map as requested by the Planning Board at the November 15, 2006 Planning Board meeting. It will need to be determined how much of the area to the south of this parcel could be developed in the future even though the developable areas may be isolated. Upon determination it may be necessary to provide a stub street on the sketch plan.

Stormwater Drainage - Mr. Nowak told the Planning Board that the outlet to the two wet ponds will meet New York State Dept. of Environmental Conservation water quality standards..

DETERMINATION

At the request of the applicant this project is tabled to the January 3, 2007 Planning Board meeting. The applicant is to address the following concerns: 1.) Applicant's Engineer to plot correct FEMA floodplain on topography map using Erie County map dated February 2001, pane #8. 2.) Applicant's engineer to provide Planning Board with written documentation from New York State Dept. of Environmental Conservation indicating acceptance of wetlands delineation. 3.) Applicant's engineer to provide the Planning Board with a letter and permits from the Army Corp of Engineers accepting wetlands delineation. 4.) Applicant's engineer to use aerial topography map of area between Broadway and the railroad line on Erie Street, and Court Street and Steinfeldt Road, and compare the tax map of this area to check property lines, wetlands, and floodplains regarding whether a stub street to the south is necessary. 5.) Based on the mapping information from condition #4, applicant may want to re-configure the layout of the subdivision to avoid building in wetlands and floodplain. 6.) Applicant's engineer to check current stormwater drainage standards regarding quality and elements of necessary pre-treatment. Motion to table was made by Rebecca Anderson, seconded by Michael Myszka and unanimously carried.

SITE PLAN REVIEW - DK GREENE PROPERTIES, G&K SEWER, SOUTHEAST CORNER ERIE STREET AT CEMETERY ROAD. THIS IS THE SECOND PHASE OF THE SITE TO BE BUILT, TWO OF THE ORIGINAL ACRES WILL BE USED. PROJECT NO. 0510. CONTACT PERSON: DENNIS GREENE

Susan King, King Consulting Engineers, presented to the Planning Board the site plan for Phase 2 of this project. Building #1 has been completed. Building #5 and the outside storage building are near completion. The original plan has remained the same with Phase 2 consisting of three additional buildings. The buildings will be used for storage and there will be no on-site water or sanitary sewers. There will be no vehicle repair or maintenance done on-site.

Drainage - Ms. King stated that the grading and drainage will follow the topography of the site and drain to the south.

Lighting - Mr. Greene told the Planning Board that lighting will consist of wall pack lights. The project will also have a surveillance system.

Chair Keysa referred to Com. 12-6-15 from Crew Chief Terrence McCracken requesting that the landscape plan be modified with additional trees to be planted.

DETERMINATION

Based on the information presented to the Planning Board, Rebecca Anderson made a motion to recommend approval of the site plan to the Town Board with the following condition: 1.) Landscape plan to be modified with additional trees to be planted. Motion seconded by Melvin Szymanski and unanimously carried.

SITE PLAN REVIEW - WEHRLE CORPORATE CENTER, SOUTH SIDE OF WEHRLE DRIVE, WEST OF HARRIS HILL ROAD. CONSTRUCTION OF FOUR SINGLE-STORY OFFICE BUILDINGS TOTALING 42,833 GSF. PROJECT NO. 2733. CONTACT PERSON: CHRISTOPHER WOOD.

Steven Carmina, Carmina and Wood, presented to the Planning Board the site plan for the proposed construction of four single-story office buildings on the south side of Wehrle Drive, west of Harris Hill Road. This project will be directly east of the Harris Hill Nursing Facility. Mr. Carmina told the Planning Board that the buildings will be for office/medical use, and that there are several tenants currently interested. The plan shows the primary building will be 18,800 sq.ft. and the three other buildings will be 7,200 to 9,600 sq.ft. The buildings will be brick and stucco with natural-finished metal roofing. The three smaller buildings will be stepped to allow for the slant of the parcel. The plan also shows retaining walls allowing for grade changes. Since this project is adjacent to the Harris Hill Nursing Facility, the Planning Board suggested that a possibility for connectivity between the two parking lots be shown on the site plan.

Drainage - Mr. Carmina told the Planning Board that the parcel will drain to a wet pond adjacent to the buffer to the south. Chair Keysa referred to a letter from Town Engineer Robert Harris concerning this project and asked that the drainage plan be resubmitted in accordance with that letter.

Lighting - Mr. Carmina stated that the light standards will not exceed 14 feet and will be shielded.

Water pressure - Additional water pressure requiring a booster pump may be necessary to meet standards.

Chair Keysa referred to Com. 12-6-15 from Crew Chief Terrence McCracken regarding minor changes to the site plan. Mr. Carmina has spoken with Mr. McCracken to make the modifications. It was also recommended that hand railings be installed on the retaining walls. Enclosed dumpster will need to be shown on the site plan.

DETERMINATION

At the request of the applicant this project is tabled to the December 20, 2006 Planning Board meeting. The applicant will address the following issues: 1.) Possibility of driveway connection with Harris Hill Nursing Facility to the west. 2.) Minor landscaping changes to be made as per Crew Chief Terrence McCracken. 3.) Drainage plan to be re-submitted in accordance with letter from Town Engineer. 4.) Address water pressure to meet standards with availability at street. 5.) Modify site plan to show enclosed dumpster. 6.) Hand railings to be placed on retaining wall. (Decorative to match building.) Motion to table was made by Michael Myszka, seconded by John Gober and unanimously carried.

REZONE PETITION - AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NY INC., 6029 BROADWAY. CURRENTLY OWNED BY DAVID SMITH, PRESENT ZONING AR, PROPOSED ZONING MFR4 TO BE USED FOR SENIOR HOUSING CAPABLE OF INDEPENDENT LIVING. CONTACT PERSON: MICHAEL CONNORS

Michael Connors and Michael Jordan of Clover Construction Management presented to the Planning Board the plans for the proposed rezone of the 18.88-acre parcel located at 6029 Broadway. Current zoning is AR, the proposed zoning is MFR4, to be used for senior housing capable of independent living. Mr. Connors told the Planning Board that the income level for this housing would be \$25,000 to \$30,000. The plan shows two large buildings. The project will consist of 123 units: 53 one-bedroom units and 70 two-bedroom units. Each building will have elevators to access the second floor, a large community room, small meeting rooms, an exercise room, a library, and four trash rooms. Each building will have surveillance cameras, full sprinkler systems, and six fire areas divided by 2-hour fire walls. There will be a full-time property manager and a full-time, live-in maintenance person. Each building will have 40 garage/storage units. The building to the north would be built first. Mr. Connors told the Planning Board that a variance will be necessary for this project because the building wall is 176 feet long, and that application will be made to the Zoning Board of Appeals. Councilmember Donna Stempniak asked the applicant whether approval from NYSDOT has been received for the four driveway cuts shown on the plan. Mr. Connors indicated that approval has not been received. Councilmember Stempniak also suggested that connectivity between the parking areas of both buildings may be necessary. She also stated that with the large number of senior citizens living at this facility, the Town would need more senior vans. Chair Keysa told the applicant that he has spoken with the Supervisor and the Town Board, and that after the October 2006 storm back-up generators have become a very important issue. Mr. Connors told the Planning Board that back-up generators for this project will be a very large expense, but he thinks that it can be addressed. Drainage - Mr. Connors told the Planning Board that the drainage ditch on the north side of this parcel is at least 100 feet from the property line. Phase I environmental study has been completed, and nothing has been noted so far on Phase II. Sewers will need to be brought in for this project from the south side of Broadway.

Member John Gober stated that he does not feel this project is in character with the new subdivision currently being built across the street along Pavement Road.

DETERMINATION

Based on the information presented to the Planning Board, Michael Myszka made a motion to recommend approval of the rezone to the Town Board. Motion seconded by Lawrence Korzeniewski and duly carried by a vote of 5 ayes and one nay (Member Gober).

At 9:48 PM Melvin Szymanski made a motion to adjourn the meeting. Motion seconded by Rebecca Anderson and unanimously carried.